

1 NOT FOR PUBLICATION
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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**

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9 Fernando Gastelum,

No. CV-18-00452-PHX-JJT

10 Plaintiff,

ORDER

11 v.

12 Tempe Hospitality Ventures LLC,

13 Defendant.

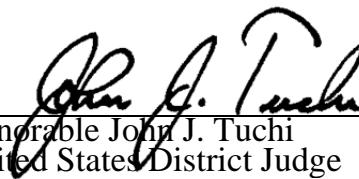
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15 This matter having recently come before this Court,

16 IT IS ORDERED that motions to dismiss pursuant to Fed. R. Civ. P. 12(b) and
17 motions to strike pursuant to Fed. R. Civ. P. 12(f) are discouraged if the defect that would
18 be the subject of the motion can be cured by filing an amended pleading. Therefore, the
19 parties must meet and confer prior to the filing of a motion to dismiss or motion to strike
20 to determine whether it can be avoided. Consequently, motions to dismiss and motions to
21 strike must be accompanied by a notice of certification of conferral, indicating that the
22 parties have conferred to determine whether an amendment could cure a deficient
23 pleading, and have been unable to agree that the pleading is curable by a permissible
24 amendment. In addition, parties shall endeavor not to oppose motions to amend that are
25 filed prior to the Rule 16 Scheduling Conference or within the time set for the Rule 16
26 Case Management Order. Motions to dismiss and motions to strike that do not contain the
27 required certification are subject to striking on the Court's own motion.

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1 IT IS FURTHER ORDERED that Plaintiff shall serve a copy of this Order on
2 Defendants.

3 Dated this 12th day of February, 2018.

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6 Honorable John J. Tuchi
7 United States District Judge
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